

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE NO. 7:21-CV-74-BO

JO ANNE SILVA,

Plaintiff,

v.

CONNECTED INVESTORS, INC.,

Defendant.

**AMENDED JOINT
RULE 26(f) REPORT**

In accordance with the Court's order stayed discovery in this matter pending resolution of Defendant's motion for judgment on the pleadings (D.E. 23), counsel for the parties have conferred and now submit to the Court an amended discovery plan.

1. The parties propose this discovery plan:

a. Discovery will be needed on these subjects:

i. **Plaintiff's Statement:** Plaintiff anticipates issuing discovery on the following matters: (1) information on the total number of prerecorded calls placed and personal identifying information, to the extent available, for the individuals the prerecorded calls were placed to, (2) the purpose of the prerecorded calls, (3) what consent, if any, Defendant claims to have had to place the prerecorded calls, (4) any non-parties involved in placing the calls, and (5) other matters that might arise related to Plaintiff's TCPA claim.

ii. **Defendant's Statement:** Defendant anticipates issuing

discovery concerning Plaintiff's phone records, including calls and text messages, and her emails with or regarding Defendant; and other matters relevant to Defendant's defenses.

b. **Completion of Fact Discovery:** September 30, 2022

c. **Interrogatories:** The parties agree to proceed under the limits and timelines under the Federal Rules of Civil Procedure with no changes or limitations.

d. **Requests for Admissions:** The parties agree to proceed under the limits and timelines under the Federal Rules of Civil Procedure with no changes or limitations.

e. **Depositions:** The parties agree to proceed under the limits and timelines under the Federal Rules of Civil Procedure with no changes or limitations.

f. **Expert Witness Reports Related to Class Certification (if any):** July 1, 2022

g. **Rebuttal Expert Reports Related to Class Certification (if any):** August 1, 2022

h. **Expert Witness Reports Related to Merits (if any):** October 17, 2022

i. **Rebuttal Expert Witness Reports Related to Merits (if any):** November 16, 2022

j. **Dates for supplementations under Rule 26(e):** September 30, 2022

k. **Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:** The parties shall produce documents in searchable PDF format, or, for data files, in .csv or Microsoft Excel format. The parties agree to work together to address any additional issues related to discovery of electronically stored information.

l. **Any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502:** The parties anticipate submitting a proposed joint protective order for review and entry by this Court.

2. Other Items:

a. The parties request that the Court set this matter for trial by separate order after dispositive motions have been filed and decided.

b. **Final dates for the parties to amend pleadings or to join parties:** May 2, 2022

c. **Final date for Plaintiff to file motion for class certification:** August 15, 2022

d. **Final dates to file dispositive motions:** December 16, 2022

e. **State the prospects for settlement:** Fair. The parties commit to keeping a dialogue open throughout this matter regarding potential settlement.

f. **Identify any alternative dispute resolution procedure that may enhance settlement prospects and the timing of such procedure:** The parties agree to private mediation at an appropriate time.

g. **Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists:** 45 days in advance of trial

h. **Final dates to file objections under Rule 26(a)(3):** 30 days before trial.

i. **Suggested trial date and estimate of trial length:** The parties request that the Court set this matter for trial by separate order after dispositive motions have been filed and decided. The parties estimate that a trial in this matter will last 3 days.

j. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) email transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

Respectfully submitted, this the 15th of February, 2022.

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